THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.3426 of 2006

Date: 23-02-2006

Between:

1.Madira Nukalamma and 19 others. …Petitioners

and

1.The District Collector,

Visakhapatnam, and 3 others. …Respondents

ORDER:

This writ petition is filed seeking a writ of mandamus declaring the high handed action of the respondents in trying to dispossess the petitioners from their houses constructed in Ac.0.02 cents of land in Survey No.353/P situated in Maredupudi Colony and Village, Anakapalli Mandal, Visakhapatnam District, assigned to them by respondents No.2 and 3 *vide* proceedings in R.C.No.285/98E/HA, dated 07-05-1999 as illegal and arbitrary.

The few facts, which are necessary for disposal of the writ petition, are as follows:

Each of the petitioners was assigned house site admeasuring Ac.0.02 cents in Survey No.353/P of Maredupadi Village, Anakapalli Mandal, Visakhapatnam District under the Janmabhoomi Programme by proceedings in R.C.No.285/98 E/HA, dated 07-05-1999. Thereafter, the petitioners constructed thatched houses in those sites and have been residing therein for the past seven years without violating any conditions imposed in the assignment proceedings. While so, due to the change of the Government, at the instance of some of the political leaders, the respondents are threatening to dispossess the petitioners from their houses. Hence, the writ petition.

Heard learned Counsel for the parties and perused the entire material available on record.

The sole grievance of the petitioners is that the respondents are trying to dispossess them from the house sites assigned under the impugned proceedings. Except making a bald allegation that the respondents are trying to dispossess the petitioners, nothing has been placed before this Court, and as such, this writ petition is nothing but an approach before this Court on mere apprehension.

Therefore, without expressing any opinion on the merits of the case, I feel that it is just and proper to direct the respondents not to dispossess the petitioners from their houses constructed in Ac.0.02 cents of the house sites assigned to them in Survey No.353/P of Maredupadi Village, Anakapalli Mandal, Visakhapatnam District, without following the due procedure prescribed under law and without affording an opportunity to the petitioners herein.

Writ petition is, accordingly, disposed of. No costs.

23-02-2006

LUR